

**Attachment D – Executive Order 12372, Georgia State
Clearinghouse Memorandum, and Georgia Department of Natural
Resources Memorandum**

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**National Archives and Records Administration
Federal Register**

Executive Order 12372--Intergovernmental review of Federal programs

Source: The provisions of Executive Order 12372 of July 14, 1982, appear at 47 FR 30959, 3 CFR, 1982 Comp., p. 197, unless otherwise noted.

By the authority vested in me as President by the Constitution and laws of the United States of America, including Section 401(a) of the Intergovernmental Cooperation Act of 1968 (42 U.S.C. 4231(a)), Section 204 of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3334) and Section 301 of Title 3 of the United States Code, and in order to foster an intergovernmental partnership and a strengthened federalism by relying on State and local processes for the State and local government coordination and review of proposed Federal financial assistance and direct Federal development, it is hereby ordered as follows:

[Preamble amended by Executive Order 12416 of Apr. 8, 1983, 48 FR 15587, 3 CFR, 1983 Comp., p. 186]

Section 1. Federal agencies shall provide opportunities for consultation by elected officials of those State and local governments that would provide the non-Federal funds for, or that would be directly affected by, proposed Federal financial assistance or direct Federal development.

Sec. 2. To the extent the States, in consultation with local general purpose governments, and local special purpose governments they consider appropriate, develop their own processes or refine existing processes for State and local elected officials to review and coordinate proposed Federal financial assistance and direct Federal development, the Federal agencies shall, to the extent permitted by law:

(a) Utilize the State process to determine official views of State and local elected officials.

(b) Communicate with State and local elected officials as early in the program planning cycle as is reasonably feasible to explain specific plans and actions.

(c) Make efforts to accommodate State and local elected officials' concerns with proposed Federal financial assistance and direct Federal development that are communicated through the designated State process. For those cases where the concerns cannot be accommodated, Federal officials shall explain the bases for their decision in a timely manner.

(d) Allow the States to simplify and consolidate existing Federally required State plan submissions. Where State planning and budgeting systems are sufficient and

where permitted by law, the substitution of State plans for Federally required State plans shall be encouraged by the agencies.

(e) Seek the coordination of views of affected State and local elected officials in one State with those of another State when proposed Federal financial assistance or direct Federal development has an impact on interstate metropolitan urban centers or other interstate areas. Existing interstate mechanisms that are redesignated as part of the State process may be used for this purpose.

(f) Support State and local governments by discouraging the reauthorization or creation of any planning organization which is Federally-funded, which has a Federally-prescribed membership, which is established for a limited purpose, and which is not adequately representative of, or accountable to, State or local elected officials.

Sec. 3. (a) The State process referred to in Section 2 shall include those where States delegate, in specific instances, to local elected officials the review, coordination, and communication with Federal agencies.

(b) At the discretion of the State and local elected officials, the State process may exclude certain Federal programs from review and comment.

Sec. 4. The Office of Management and Budget (OMB) shall maintain a list of official State entities designated by the States to review and coordinate proposed Federal financial assistance and direct Federal development. The Office of Management and Budget shall disseminate such lists to the Federal agencies.

Sec. 5. (a) Agencies shall propose rules and regulations governing the formulation, evaluation, and review of proposed Federal financial assistance and direct Federal development pursuant to this Order, to be submitted to the Office of Management and Budget for approval.

(b) The rules and regulations which result from the process indicated in Section 5(a) above shall replace any current rules and regulations and become effective September 30, 1983.

[Sec. 5 amended by Executive Order 12416 of Apr. 8, 1983, 48 FR 15587, 3 CFR, 1983 Comp., p. 186]

Sec. 6. The Director of the Office of Management and Budget is authorized to prescribe such rules and regulations, if any, as he deems appropriate for the effective implementation and administration of this Order and the Intergovernmental Cooperation Act of 1968. The Director is also authorized to exercise the authority vested in the President by Section 401(a) of that Act (42 U.S.C. 4231(a)), in a manner consistent with this Order.

Sec. 7. The Memorandum of November 8, 1968, is terminated (33 *Fed. Reg.* 16487, November 13, 1968). The Director of the Office of Management and

Budget shall revoke OMB Circular A-95, which was issued pursuant to that Memorandum. However, Federal agencies shall continue to comply with the rules and regulations issued pursuant to that Memorandum, including those issued by the Office of Management and Budget, until new rules and regulations have been issued in accord with this Order.

Sec. 8. The Director of the Office of Management and Budget shall report to the President by September 30, 1984 on Federal agency compliance with this Order. The views of State and local elected officials on their experiences with these policies, along with any suggestions for improvement, will be included in the Director's report.

[Sec. 8 amended by Executive Order 12416 of Apr. 8, 1983, 48 FR 15587, 3 CFR, 1983 Comp., p. 186]

/s/ RONALD REAGAN

The White House
July 14, 1982

[Filed with the Office of the Federal Register,
3:18 p.m., July 14, 1982]



JUN 06 2008

OFFICE OF PLANNING AND BUDGET

Sonny Perdue
Governor

Trey Childress
Director

GEORGIA STATE CLEARINGHOUSE MEMORANDUM EXECUTIVE ORDER 12372 REVIEW PROCESS

TO: Dan Fisher
TVA Chickamauga-Hiwassee Watershed Team
1101 Market Street, PSC 1E
Chattanooga, TN 37402-2801

FROM: Barbara Jackson *BA*
Georgia State Clearinghouse

DATE: 5/30/2008

APPLICANT: Blue Ridge Mountain Electric Membership Corporation

PROJECT: Request for approx. 2 acres of TVA property to construct substation site/transmission line right-of-way (located on Chatuge Reservoir, Hiwassee River, Towns County, GA)

STATE ID: GA080502002

The State level review of the above referenced proposal has been completed. This proposal has been found to be consistent with those state or regional goals, policies, plans, fiscal resources, criteria for Developments of Regional Impact (DRI), environmental impacts, federal executive orders, acts and/or rules and regulations with which the state is concerned. THIS MEMORANDUM AND ITS ENCLOSURES (IF ANY) MUST BE FORWARDED BY YOU TO THE FEDERAL FUNDING AGENCY. Be sure to retain a copy for your files. Thank you.

Additional Comments: The applicant/sponsor is advised to note additional comments received from: Georgia DOT's Office of Transportation Planning; DNR's EPD/Flood Plain Management; DNR's Historic Preservation Division.

/bj

Enc.: Georgia Mountains RDC, May 20, 2008
DOT, May 19, 2008
DNR/WPB, May 12, 2008
EPD/Flood Plain Mgt, May 7, 2008
HPD, May 23, 2008

Form SC-4
July 2006

Office: 404-656-3855

AN EQUAL OPPORTUNITY EMPLOYER
270 Washington Street, S.W., Atlanta, Georgia 30334

Fax: 404-656-7916

GEORGIA STATE CLEARINGHOUSE MEMORANDUM
EXECUTIVE ORDER 12372 REVIEW PROCESS

TO: Barbara Jackson
Georgia State Clearinghouse
270 Washington Street, SW, Eighth Floor
Atlanta, Georgia 30334

FROM: MS. PEGGY LOVELL
GEORGIA MOUNTAINS RDC

SUBJECT: Executive Order 12372 Review

APPLICANT: Blue Ridge Mountain Electric Membership Corporation

PROJECT: Request for approx. 2 acres of TVA property to construct substation
site/transmission line right-of-way (located on Chatuge Reservoir, Hiwassee River,
Town County, GA)

STATE ID: GA080502002

FEDERAL ID:

DATE:

- ☒ This notice is considered to be consistent with those state or regional goals, policies, plans, fiscal resources, criteria for developments of regional impact, environmental impacts, federal executive orders, acts and/or rules and regulations with which this organization is concerned.

This notice is not consistent with:

- ☐ The goals, plans, policies, or fiscal resources with which this organization is concerned. (Line through inappropriate word or words and prepare a statement that explains the rationale for the inconsistency. (Additional pages may be used for outlining the inconsistencies. Be sure to put the GA State ID number on all pages).
- ☐ The criteria for developments of regional impact, federal executive orders, acts and/or rules and regulations administered by your agency. Negative environmental impacts or provision for protection of the environment should be pointed out. (Additional pages may be used for outlining the inconsistencies. Be sure to put the GA State ID number on all pages).
- ☐ This notice does not impact upon the activities of the organization.

*NOTE: Should you decide to FAX
this form (and any attached pages),
it is not necessary to mail the
originals to us. [404-656-7916]*

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MAY 20 2008

GEORGIA
STATE CLEARINGHOUSEForm SC-3
Sept. 2007

**GEORGIA STATE CLEARINGHOUSE MEMORANDUM
EXECUTIVE ORDER 12372 REVIEW PROCESS**

TO: Barbara Jackson
Georgia State Clearinghouse
270 Washington Street, SW, Eighth Floor
Atlanta, Georgia 30334

FROM: MS. ANGELA ALEXANDER
GA DOT OFC OF TRANSPORTATION PLANNING

SUBJECT: Executive Order 12372 Review

APPLICANT: Blue Ridge Mountain Electric Membership Corporation

PROJECT: Request for approx. 2 acres of TVA property to construct substation
site/transmission line right-of-way (located on Chatuge Reservoir, Hiwassee River,
Towns County, GA)

STATE ID: GA080502002

FEDERAL ID:

DATE: 05/16/08

- ☐ This notice is considered to be consistent with those state or regional goals, policies, plans, fiscal resources, criteria for developments of regional impact, environmental impacts, federal executive orders, acts and/or rules and regulations with which this organization is concerned.

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- ☒ This notice does not impact upon the activities of the organization.

NOTE: - WITH REFERENCE TO ROAD TRANSPORTATION

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Sept. 2007

GEORGIA STATE CLEARINGHOUSE MEMORANDUM
EXECUTIVE ORDER 12372 REVIEW PROCESS

TO: Barbara Jackson
Georgia State Clearinghouse
270 Washington Street, SW, Eighth Floor
Atlanta, Georgia 30334

FROM: MS. ~~LINDA MACGREGOR~~ *Mark Beebe* *for Linda MacGregor*
DNR WATERSHED PROTECTION BRANCH *Mark Beebe*

SUBJECT: Executive Order 12372 Review

APPLICANT: Blue Ridge Mountain Electric Membership Corporation

PROJECT: Request for approx. 2 acres of TVA property to construct substation
site/transmission line right-of-way (located on Chatuge Reservoir, Hiwassee River,
Township County, GA)

STATE ID: GA080502002

FEDERAL ID:

DATE: 5/12/08

- ☐ This notice is considered to be consistent with those state or regional goals, policies, plans, fiscal resources, criteria for developments of regional impact, environmental impacts, federal executive orders, acts and/or rules and regulations with which this organization is concerned.

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GEORGIA STATE CLEARINGHOUSE MEMORANDUM
EXECUTIVE ORDER 12372 REVIEW PROCESS

TO: Barbara Jackson
Georgia State Clearinghouse
270 Washington Street, SW, Eighth Floor
Atlanta, Georgia 30334

FROM: MR. COLLIS BROWN
EPD/FLOOD PLAIN MANAGEMENT

SUBJECT: Executive Order 12372 Review


APPLICANT: Blue Ridge Mountain Electric Membership Corporation

PROJECT: Request for approx. 2 acres of TVA property to construct substation
site/transmission line right-of-way (located on Chatuge Reservoir, Hiwassee River,
Towns County, GA)

STATE ID: GA080502002

FEDERAL ID:

DATE: 5-7-08

 ☒ This notice is considered to be consistent with those state or regional goals, policies, plans, fiscal resources, criteria for developments of regional impact, environmental impacts, federal executive orders, acts and/or rules and regulations with which this organization is concerned.
(See attached comments)

This notice is not consistent with:

- ☐ The goals, plans, policies, or fiscal resources with which this organization is concerned. (Line through inappropriate word or words and prepare a statement that explains the rationale for the inconsistency. (Additional pages may be used for outlining the inconsistencies. Be sure to put the GA State ID number on all pages).
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GEORGIA
STATE CLEARINGHOUSE

Form SC-3
Sept. 2007

PROJECT: Request for aprox. 2 acres of TVA property to construct substation site/transmission line right-of-way (located on Chatuge Reservoir, Hiawassee River, west of US 76 just south of the City of Hiawassee, Towns County, Georgia)

STATE IDENTIFICATION: GA080502002

Examination of the Flood Insurance Rate Map (FIRM) for Towns County and incorporated areas, Georgia (panels #55 C and 65 C, effective July 6, 1998) with information provided by the applicant indicate that the project referenced above encroaches on a federally designated Special Flood Hazard Area (SFHA), which is also known as the area of the 1-percent annual chance flood event or 100-year floodplain associated with Chatuge Lake/Hiawassee River.

The following comments are general floodplain concerns. Some comments may not apply to your particular development:

With new or replacement transmission line systems, care should be taken to design these systems in such a way as to eliminate infiltration of flood waters into the system.

In areas where lines are to be sited along creeks and/or rivers and within floodplain areas, design considerations should include a minimization of impacts in these areas. Where lines are buried in the floodplain, the land should be restored to its natural contours with minimum grading to reserve storage capacity. At locations where stream crossings are proposed, the lines should be designed to withstand the uplift and velocity forces associated with the 100-year flood event and to avoid obstruction of flow.

The applicant should be aware that if a proposed building site is located within any SFHA, all new construction and substantial improvement of any commercial, industrial, or non-residential structure must (1) be elevated above the 100-year flood elevation for the proposed site in accordance with the local flood ordinance (contact local officials regarding regulations governing elevation and construction design requirements) or flood-proofed provided that all areas of the structure below base flood elevation are designed to be water tight, with walls substantially impermeable to the passage of water as certified by a registered professional engineer or architect, (2) be adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, (3) be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

Pursuant to Executive Order 11988, (Floodplain Management), direct or indirect federal support of floodplain development should be avoided unless there are no practicable alternatives. If there are no practicable alternatives and development in the floodplain is to be undertaken, the federal agency should document the reasons supporting this finding through the notification procedures outlined in the Executive Order.

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Georgia Department of Natural Resources

Historic Preservation Division

Noel Holcomb, Commissioner

W. Ray Luce, Division Director and Deputy State Historic Preservation Officer
34 Peachtree Street, Suite 1600, Atlanta, Georgia 30303
Telephone (404) 656-2840 Fax (404) 657-1040 <http://www.gashpo.org>

MEMORANDUM

TO: Barbara Jackson
Georgia State Clearinghouse
Office of Planning and Budget
270 Washington Street, SW, Eighth Floor
Atlanta, Georgia, 30334

FROM: Elizabeth Shirk *ES*
Environmental Review Coordinator
Historic Preservation Division

RE: Finding of "No Historic Properties Affected"

PROJECT: Construct Substation, US 76, Hiawassee River, Chatuge Reservoir, Parcel 52
Federal Agency: TVA
Applicant: Blue Ridge Mountains Electric Membership Corporation
GA-080502-002

COUNTY: Towns County, Georgia

DATE: May 21, 2008

The Historic Preservation Division has reviewed the information received concerning the above-mentioned project. Our comments are offered to assist federal agencies and project applicants in complying with the provisions of Section 106 of the National Historic Preservation Act.

Based on the information submitted, HPD believes that no historic properties or archaeological resources that are listed in or eligible for listing in the National Register of Historic Places will be affected by this undertaking. Please note that historic and/or archaeological resources may be located within the project's area of potential effect (APE), however, at this time it has been determined that they will not be impacted by the above-referenced project. Furthermore, any changes to this project as proposed will require further review by our office for compliance with the Section 106 process.

If we may be of further assistance contact me at (404) 651-6624 or Michelle Volkema, Environmental Review Specialist at (404) 651-6546. Please refer to the project number assigned above in any future correspondence regarding this project.

ES:mcv

cc: Chip Wright, Georgia Mountains RDC

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